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BILLINGS DIV.

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PATRICK E. DUFFY, CLERK

BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

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|-------------------------------------|---|--------------------------------|
| CHRISTOPHER HELGESON, |) | CV-05-156-BLG-RFC |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | |
| |) | ORDER ADOPTING FINDINGS |
| |) | AND RECOMMENDATIONS OF |
| DAVID CASTLE, SHERIFF/WARDEN |) | U.S. MAGISTRATE JUDGE |
| GREAT FALLS REGIONAL PRISON, |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

On March 7, 2007, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends this Court dismiss Petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254.

Upon service of a magistrate judge's findings and recommendation, Petitioner was allowed 20 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the March 7, 2007 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this

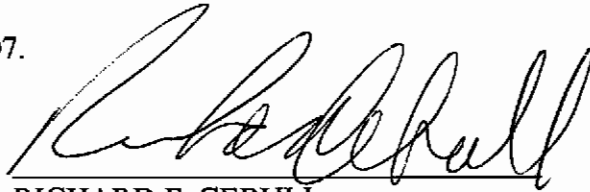
Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety. Petitioner has refused to respond to two court orders and the Court has found that the relevant factors weigh in favor of dismissing the habeas petition, and the petition was filed outside the applicable statute of limitations.

Accordingly, **IT IS HEREBY ORDERED** Petitioner's Petition for Writ of Habeas Corpus is **DISMISSED**.

The Clerk of Court shall notify the parties of the making of this Order.

DATED the 9th day of April, 2007.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE